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**ATTORNEYS FOR PLAINTIFFS  
MIGUEL ORTEGA AND BENJAMIN ORTEGA**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL ORTEGA, and BENJAMIN  
ORTEGA,

## Plaintiffs

VS.

CITY OF OAKLAND, et al.,

## Defendants.

Case No.: C 07-02659 JCS (ADR)

**DECLARATION OF BRENDA D.  
POSADA IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANTS'  
PARTIAL SUMMARY JUDGMENT  
MOTION**

Date: September 19, 2008

Time: 9:30 a.m.

Location: Courtroom A, 15<sup>th</sup> Floor

I, Brenda D. Posada, declare:

1. I am an attorney duly admitted to practice before all the courts of California, and am an associate of the law firm Law Offices of Steve R. Jacobsen, attorney of record for the plaintiffs Miguel and Benjamin Ortega. I submit this declaration on personal knowledge and in support of Plaintiff's Opposition to Defendants' Partial Summary Judgment Motion. If called upon, I could competently testify thereto.

2. The deposition of Eduardo Ortega was taken April 22, 2008 and a certified copy of the deposition transcript was received by our office. I have made true and correct copy of pertinent

1 excerpts from said deposition transcript. Those true and correct copies are attached hereto as Exhibit A.

2       3. The Declaration of Eduardo Ortega was executed on under oath on December 5, 2007. An  
3 original was received by this office and a true and correct copy of said original made and attached hereto  
4 as Exhibit B.

5       4. The deposition of Genesis Preciado was taken May 15, 2008 and a certified copy of the  
6 deposition transcript was received by our office. I have made true and correct copy of pertinent  
7 excerpts from said deposition transcript. Those true and correct copies are attached hereto as Exhibit C.

8       5. The Declaration of Genesis Preciado was executed on under oath on December 5, 2007. An  
9 original was received by this office and a true and correct copy of said original was made and attached  
10 hereto as Exhibit D.

11       6. The original expert report prepared by plaintiffs' police procedures expert Roger Clark dated  
12 June 29, 2008 was received by my office. A true and correct copy of the report is attached hereto as  
13 Exhibit E.

14       7. The deposition of Bernard Ortiz was taken January 3, 2008 and a certified copy of the  
15 deposition transcript was received by our office. I have made true and correct copy of pertinent  
16 excerpts from said deposition transcript. Those true and correct copies are attached hereto as Exhibit F.

17       8. The deposition of Miguel Ortega was taken February 20, 2008 and a certified copy of the  
18 deposition transcript was received by our office. I have made true and correct copy of pertinent  
19 excerpts from said deposition transcript. Those true and correct copies are attached hereto as Exhibit G.

20       9. The deposition of Benjamin Ortega was taken January 17, 2008 and a certified copy of the  
21 deposition transcript was received by our office. I have made true and correct copy of pertinent  
22 excerpts from said deposition transcript. Those true and correct copies are attached hereto as Exhibit H.

23       10. The deposition of Ramon Alcantar was taken January 16, 2008 and a certified copy of the  
24 deposition transcript was received by our office. I have made true and correct copy of pertinent

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1 excerpts from said deposition transcript. Those true and correct copies are attached hereto as Exhibit I.

2 Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury of the laws of the United  
3 States of America that the foregoing is true and correct.

4 Executed at Oakland, California, this August 29, 2008.

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6 Brenda D. Posada

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